

February 11, 2014  
 Cottonwood County Board of Commissioners  
 Regular Meeting  
 Minutes

The Cottonwood County Board of Commissioners met in regular session on Tuesday, February 11, 2014 at 9:00 a.m. at the Cottonwood County Courthouse in Windom, MN. Presiding over the meeting was Chairman Jim Schmidt. Present for all or portions of the meeting were: Commissioners Jim Schmidt, Tom White, Norm Holmen, Kevin Stevens, John Oeltjenbruns; County Coordinator Kelly Thongvivong; County Attorney Nick Anderson; Auditor/Treasurer Jan Johnson; Kathy Marsh, Gale Bondhus, Rahn Larson.

Motion by Holmen, second by Oeltjenbruns, unanimous vote to approve additions to the agenda. Motion by Stevens, second by White, unanimous vote to approve the minutes of the February 4, 2014 meeting as amended.

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County Assessor Gale Bondhus met with the board to set the Board of Equalization date for 2014. Motion by White, second by Oeltjenbruns, unanimous vote to move the June 10<sup>th</sup> Board of Commissioners meeting to the afternoon of June 17<sup>th</sup> and to set the Board of Equalization date for June 17<sup>th</sup> also. The Board of Equalization meeting will begin at 6:00 p.m. with the first appointment at 6:30 p.m. Anyone wishing to appear at the Board of Equalization will be required to have a scheduled appointment before the meeting begins

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Motion by Oeltjenbruns, second by Holmen, unanimous vote to approve February warrants as follows:

County Revenue Fund	\$252,356.19
Road and Bridge Fund	\$ 15.40
Long Term Capital Outlay	\$ 4,620.00
County Building Fund	\$ 8,057.73
Ditch Fund	\$ 2,602.53
Go Drng Refund 2011 Bond Fund	\$ 374.10
Ditch Sinking 3 (JD 2)	\$ 60.90
Road & Bridge Fund	\$ 96,275.83
Waste Abatement/SCORE Fund	\$ 854.18
Landfill Enterprise Fund	<u>\$ 10,834.86</u>
	<u>\$376,051.72</u>

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Motion by Holmen, second by White, unanimous roll call vote to approve resolution as follows:

**RESOLUTION No.: 14-02-11**

**WHEREAS**, the Member Counties of the Southern Prairie Health Purchasing Alliance (“SPHPA”) adopted a Joint Powers Agreement (“JPA”) pursuant to the authority granted by Minn. Stat. § 471.59; and

**WHEREAS**, Cottonwood County is a Member County of the SPHPA; and

**WHEREAS**, the JPA provides that the Board of Directors may, from time to time, adopt a business name for the entity or change the legal name; and

**WHEREAS**, the JPA also provides that amendments to it must be approved two-thirds of the Member Counties; and

**WHEREAS**, the Board of Directors approved a Resolution Amending Joint Powers Agreement at its duly called meeting on April 26, 2013, that “amended section 1.2 of the JPA and subsequent sections as necessary to reflect the name change from Southern Prairie Health Purchasing Alliance (“SPHPA”) to Southern Prairie Community Care (“SPCC”); and

**WHEREAS**, the Resolution Amending Joint Powers Agreement also added a new section 8.5 containing additional indemnification provisions recommended by SPHPA’s insurer, the Minnesota Counties Intergovernmental Trust (“MCIT”); and

**WHEREAS**, a copy of the Resolution Amending Joint Powers Agreement as approved by the Board of Directors is attached hereto for reference; and

**WHEREAS**, it appears necessary and desirable for Cottonwood County to approve the Board-adopted amendments to the JPA described herein: and

**NOW, THEREFORE, BE IT RESOLVED**, that Cottonwood County approves the JPA amendments adopted by the Board of Directors in the Resolution Amending Joint Powers Agreement on April 26<sup>th</sup>, 2013.

This Resolution is adopted by action of the Board of Commissioners of Cottonwood County at a meeting duly called on the 11th day of February, 2014.

DATED: February 11, 2014

S/Jim Schmidt, Board Chairman

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S/Jan Johnson, Auditor/Treasurer

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Motion by Oeltjenbruns, second by White, unanimous roll call vote to approve resolution as follows:

**Resolution 2014-01**

**Resolution to Terminate the Minnesota River Basin Joint Powers Agreement and End Business Operations of the Minnesota River Basin Joint Powers Board (a.k.a. Minnesota River Board) on April 1, 2014**

*This resolution was prepared by the Minnesota River Joint Powers Board (hereafter referred to as the “MRB”) and approved by the MRB Executive Committee for member counties to consider, take action on, and file with the MRB Executive Director no later than February 21, 2014.*

The Minnesota River Basin Joint Powers Agreement (hereafter referred to as the “joint powers agreement”) was signed by 37 counties on July 12, 1995 and revised March 16, 1998, November 15, 1999, May 15, 2000, and approved with revisions on July 12, 2000, thereby establishing the joint exercise of powers to promote water quality improvement and management of the Minnesota River Watershed (in accordance with Minnesota Statutes 103B.311, 103B.315, and 471.59). The 37 counties that signed the agreement in 1995 included Big Stone, Blue Earth, Brown\*, Carver, Chippewa, Cottonwood, Dakota\*, Douglas\*, Faribault, Freeborn, Grant\*, Hennepin, Jackson\*, Kandiyohi, Lac Qui Parle, Le Seuer, Lincoln\*, Lyon\*, Martin, McLeod, Murray, Nicollet, Pipestone\*, Pope\*, Ramsey, Redwood, Renville, Rice\*, Scott, Sibley, Steele\*, Stevens, Swift\*, Traverse\*, Waseca, Watonwan\*, and Yellow Medicine\*. As of January 1, 2014, 15 counties (\*) had withdrawn from membership.

**WHEREAS**, after nearly 20 years of initiatives and challenges, as well as calls for change from its valued partners, the MRB delegates passed Resolution 12-01 in September 2012 to dedicate funds for a full external review of the MRB governance structure, mission, duties, services provided,

and funding; and

**WHEREAS**, the external review process was led by an independent consultant and a steering committee that included one representative from each of the following entities: Minnesota River Board, Minnesota Association of Watershed Districts (MAWD), Minnesota River Watershed Projects, citizen-led organizations, agricultural and water resource interests, and the Minnesota Association of Soil and Water Conservation Districts (MASWCD); and

**WHEREAS**, after several rounds of revisions, the end result of the external review process included guiding principles, primary functions, and recommendations for the governance and funding of a new basin entity; and

**WHEREAS**, the MRB delegates passed a motion on December 16, 2013, to advance the recommendations with no additional MRB involvement in the process, on a split vote (11 in favor, 6 opposed, 1 abstention); and

**WHEREAS**, the MRB delegates passed a resolution on December 16, 2013 to complete required business, transfer existing projects, and/or otherwise cancel all agreements and bring the MRB business operations to a close on April 1, 2014.

**THEREFORE, BE IT RESOLVED** that the MRB member counties must establish that the sentiment of the members is for the Minnesota River Basin Joint Powers Agreement termination process to be initiated; and

**THEREFORE, BE IT FURTHER RESOLVED** that as per Section 7, Part B of the joint powers agreement, when a majority of the member counties agree, by resolution, to terminate the agreement, termination may then, but only then, be initiated; and

**THEREFORE, BE IT FURTHER RESOLVED** that, per the joint powers agreement, a majority of the member counties is defined as 12 of the 22 counties that paid dues during the first half of FY2014 (July 1, 2013 – December 31, 2013); and

**THEREFORE, BE IT FURTHER RESOLVED** that upon receipt of a majority of member county resolutions to terminate the Minnesota River Basin Joint Powers Agreement, the MRB shall wind up its business, including the defense and provocation of any claims against it;

**THEREFORE, BE IT FURTHER RESOLVED** that prior to the April 1, 2014, the MRB shall compile the review process recommendations, testimony from the December 16, 2013 meeting, other reports, and copies of this resolution from the member counties as part of a final MRB report that will be distributed to the Minnesota Legislature, Local Government Roundtable participants (Association of Minnesota Counties, MAWD, and MASWCD), natural resource agency leadership, and any other interested parties.

**Resolution Motion Roll Call Vote (Required)**

County Board roll call results for a motion to pass MRB Resolution 2014-01 (please clearly place an X using blue or black ink in the appropriate box that represents the vote for each Commissioner). A YES vote favors passage of Resolution 2014-01 to terminate the joint-powers agreement among the counties for the Minnesota River Basin. A NO vote by a Commissioner indicates lack of support to pass Resolution 2014-01 and supports the continuation of a shared-governance Minnesota River entity. A simple majority of YES votes by the County Board in its entirety is required to pass the resolution.

DATED: February 11, 2014

S/Jim Schmidt, Board Chairman

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Schmidt informed the board of information that he received from Red Rock Rural Water regarding a notice of intent to protect drinking water resources of our community to the best of their ability. The Red Rock Rural Water Systems Wellhead Protection Program project will take approximately three years to complete.

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Kelly Thongvivong, County Coordinator, presented a few items for discussion. Thongvivong presented a budget change request for the Sheriff's Department. Motion by White, second by Stevens, unanimous vote to increase the uniform account from \$2,500 to \$6,500 as per the 2014-2015 union contract.

Motion by White, second by Holmen, unanimous vote to make the County Coordinator the department head for the Extension office.

Thongvivong presented names of county employees interested in serving on the compensation committee. Chairman Schmidt appointed the following county employees to the compensation committee: Jim Schmidt, John Oeltjenbruns, Kelly Thongvivong, Jan Johnson, Jeff Yonker, Justin Derickson, and Susan Amundson. Kathy Marsh will act as recording secretary.

Discussion was held regarding Sadie Hackbarth, Corrections Administrative Assistant and her current wage. The board tabled any decisions at this time.

Thongvivong gave an update regarding the Planning and Zoning position. More discussion and possible action will be taken at the next meeting.

Discussion was had regarding hourly employees and salary employees as there has been some confusion within the county.

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Oeltjenbruns gave an update from a Rural Energy meeting he had attended. He reported that he discussed with the Rural Energy board the possibility in becoming more involved with the Minnesota Rural Counties Caucus. Oeltjenbruns stated that he didn't think the discussion went real well.

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Discussion was held regarding a few items regarding the North Highway 71 building. Holmen informed the board that there has been some complaints of sewer smell in the building. Jan Johnson will follow up on this. Johnson informed the board of information he received regarding the building sign and its condition due to fading in the sun. Decisions regarding the sign will be tabled until a future meeting.

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Discussion was held regarding the Highway budget that had been emailed to the board members. Holmen requested that the County Engineer come in once a month to review the budget with the board in case there are any questions.

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Thongvivong updated the board on the Comprehensive Plan that will be done for the county and that it will be put on hold until the Planning and Zoning position has been filled. Thongvivong also had a quote for the Capital Improvement Plan from David Drown Associates. Decisions regarding the Capital Improvement Plan will be tabled until the next meeting.

There being no further business, the meeting was adjourned at 10:45 a.m.

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Jan Johnson, Auditor/Treasurer

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Jim Schmidt, Board Chairman

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Kelly Thongvivong, County Coordinator